IN THE

Supreme Court of the United States.

OCTOBER TERM, 1900.

THE TERRITORY OF NEW MEXICO, APPELLANT, v. THE UNITED STATES TRUST COMPANY OF NEW YORK, ET AL.	No. 461.
THE UNITED STATES TRUST COMPANY OF NEW YORK, ET AL., APPELLANTS, v. THE TERRITORY OF NEW MEXICO.	No. 460.

Now comes the Territory of New Mexico and moves the Court to consolidate the above entitled two causes for

argument in this Court as a single case, and to advance the same for hearing on the earliest practicable day at the present term of the Court, for the following reasons:

1. The appeal in each of said cases is taken from the same judgment and decree of the Supreme Court of New Mexico.

2. The case in which the said appeals are taken has been heretofore adjudicated by this Court upon the merits, in part at least, as will appear by reference to the case of New Mexico *v.* United States Trust Company, 174 U. S. 545, although the appeals, as now presented, involve new and additional questions.

3. Matters of general public interest are presented by these cases, as there is raised the question of the right of the Territory of New Mexico to recover large amounts of money for taxes levied upon the property of the Atlantic and Pacific Railroad Company as to which an exemption is claimed by virtue of the provisions of the act of Congress, approved July 27, 1866, entitled "An Act "granting lands to aid in the construction of a railroad "and telegraph line from the States of Missouri and Ar- "kansas to the Pacific Coast."

4. If the contentions of the Territory are sustained by this Court, the amount of such taxes with the interest thereon will amount to nearly two hundred thousand dollars by the time a decision can be reached in this Court even if the cases be advanced, and it is consequently of great importance to the said Territory to have such decision at the earliest possible day.

5. It is contended by the Territory that it is entitled to recover the said taxes with interest at the rate of twenty-five per centum per annum, and if this contention is sustained it is only fair to the owners of the property that

the decision should be had as soon as possible so as to stop the running of such a high rate of interest.

F. W. CLANCY,
Solicitor for the Territory of New Mexico.

I unite in the foregoing motion.

C. N. STERRY,
Solicitor for United States Trust Company of New York, et al.